IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:16-CV-955-BR

UNITED STATES OF AMERICA)	
and THE STATE OF NORTH)	
CAROLINA, ex rel. SHISHIR)	
MATHUR, M.D.,)	
)	
Plaintiffs,)	
)	
V.)	<u>ORDER</u>
)	
HARI P. SAINI, M.D., et al.,)	
)	
Defendants.)	

This matter is before the court on defendants Valley Cardiology, P.A. and Muhammad Akram Paracha, M.D.'s motion to dismiss plaintiff-relator's complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). (DE # 61.) Plaintiff-relator filed a response in opposition, noting the contemporaneous filing of his first amended complaint. (DE # 71.) Defendants did not file a reply.

The amended complaint supersedes the original complaint, see Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001) ("The general rule . . . is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect."); Lucas v. Brake, No. 5:12-CV-735-FL, 2013 WL 3197073, at *4 (E.D.N.C. June 21, 2013) ("[I]t is well settled that a timely-filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings must be dismissed as moot." (citations omitted)), and defendants'

motion to dismiss the original complaint is therefore DENIED as moot.

This 28 September 2020.

W. Earl Britt

Senior U.S. District Judge